

one product selected from the group consisting of TCR β , CD3, CD4, CD8, and ZAP-70 the percentage of tumor cells of each of the samples which express said at least one product, wherein the tumor is predicted to have substantially no metastatic potential when no tumor cells in all of the samples are detected to express said at least one product.

REMARKS

Attached hereto is a marked-up version of the changes made to the specification by the current Amendment. The attached page is captioned "**Version with Markings to Show Changes Made.**"

Claim 1 has been rejected under 35 USC 112, second paragraph, the Examiner stating that claim 1 recites "low metastatic potential" without a qualification of the term "low". Claim 1 has been amended to more clearly define what Applicant regards as the invention. As amended, claim 1 recites "wherein the tumor is predicted to have substantially no metastatic potential when" This is a revised form of the recitation suggested by the Examiner since the method of predicting of metastatic potential of the present invention is not related to whether or not there are lymph node metastases at the time of sampling but instead whether or not certain products are found in the representative samples of the primary tumor. As stated at page 15, lines 5 to 8, if such a product is not found, then the metastatic potential (possibility of metastasis in the future) may be predicted to be low (if not zero), i.e., substantially zero. It is respectfully submitted that, as amended, claim 1 particularly points out and distinctly claims the subject matter which Applicant regards as the invention. It is therefore respectfully requested that the rejection under 35 USC 112, second paragraph, be withdrawn.

Claim 1 has also been rejected under 35 USC 112, first

Version with Markings to Show Changes Made**In the Claim:**

Claim 1 has been amended as follows:

Claim 1 (three times amended). A method of predicting the lymphotropic metastatic potential of a [solid non-lymphoid] primary breast or colon tumor, the method comprising obtaining a plurality of representative samples of the tumor and determining for at least one product selected from the group consisting of TCR β , CD3, CD4, CD8, and ZAP-70 the percentage of tumor cells of each of the samples which express said at least one product, wherein the tumor is predicted to have substantially no metastatic potential [of the tumor is predicted to be low] when no tumor cells in all of the samples are detected to express said at least one product.

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